

FILED '10 NOV 24 08:18 USDC-ORE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

RYAN BONNEAU,

Plaintiff,

Civil No. 10-1184-TC

v.

ORDER

DANIEL STATON, et al.,

Defendants.

HOGAN, District Judge.

"The purpose of a preliminary injunction is merely to preserve the relative positions of the parties until a trial on the merits can be held," and it is generally inappropriate for a federal court at the preliminary injunction stage to give a final judgment on the merits. University of Texas v. Camenisch, 451 U.S. 391, 395 (1981); Tanner Motor Livery, Ltd. V. Avis, Inc, 316 F.2d 804, 808 (9th Cir. 1983). See also, Regents of University of California v. ABC, Inc., 747 F.2d 511, 514 (9th Cir. 1984) ("\* \* \* the function of a preliminary

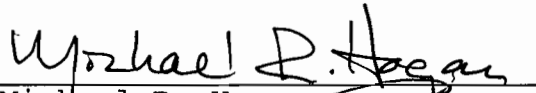
injunction is to preserve the *status quo ad litem*." ) Wright and Miller, Federal Practice and Procedure § 2947 (1973) ("\* \* the most compelling reason in favor of entering a Rule 65(a) order is the need to prevent the judicial process from being rendered futile by defendant's actions or refusal to act").

The preliminary equitable relief that plaintiff seeks in his Motion for Temporary Restraining Order (#5) would in essence constitute a judgment on the merits of one or more of plaintiff's underlying claims and is therefor inappropriate.

Plaintiff's Motion for Temporary Restraining Order (#5) is denied.

IT IS SO ORDERED.

DATED this 23<sup>rd</sup> day of November, 2010.

  
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Michael R. Hogan  
United States District Judge